

**REMARKS****35 USC 103(a)**

The Examiner rejects Claims 1-7, 9-14, and 16-17 under 35 USC 103(a) as being unpatentable over Saito (U.S. Patent Number 6,744,894) in view of Rump (DE 196 25 635). Applicants respectfully traverse.

The Examiner admits that Saito fails to disclose using the first part of the user data as the unencrypted start section or that the unencrypted start section is placed immediately after the header. The Examiner asserts, however, that Rump teaches that unencrypted data can be used as sample data for the content and that the data should be the first 20 seconds in length of the content. Applicants respectfully submit that the payload data following the header in Rump is always encrypted and not unencrypted as the Examiner states.

In Rump the complete multimedia data stream or payload block is encrypted, or at least the portion of the multimedia data is encrypted, so that there do not remain any audio data, which can be replayed without having the decryption key. In column 2, line 62 to column 3, line 5 of the German patent, which corresponds to column 4, lines 1-10 of the US Patent Number 6,735,311, the patent describes a deciphering device, which actually has to decipher the first 20 seconds, since the first 20 seconds are ciphered, and which will not do anything more in case it is a demo player, i.e. a demo decrypting device. When however, the claim version is cleared or released for a certain bit stream, as outlined in column 4, lines 8-10 of the US Patent, then a complete decrypting of the whole audio piece is possible.

As a result, the complete user data block is encrypted and a demo version of the player/decrypting device can decrypt the first 20 seconds, and a full version specifically cleared or released can decrypt the complete data stream. As a result, Rump does not disclose that there is an unencrypted start section because the complete user data block is encrypted.

In Figure 3 of Rump, furthermore, the first part is the ciphered data rather than an unencrypted start section. As a result, the start section of the user data immediately following the header is ciphered/encrypted data rather than unencrypted data as recited in independent Claims 1, 6, 12, and 13.

To establish a *prima facie* case of obviousness of a claimed invention, all the claimed features must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Because Rump fails to teach or disclose that the part of the payload data that follows the header is unencrypted, the combination of Saito and Rump fails to teach or suggest all the features recited in Claims 1, 6, 12, and 13. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art.

### **Conclusion**

Applicants respectfully posit that the pending claims have been distinguished from the art of record, and that all rejections of the claims have been overcome. Accordingly, Applicants respectfully request allowance of all claims. The Examiner is invited to please contact Applicants' attorney at (650) 474-8400 should any questions arise.

Respectfully submitted,



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